

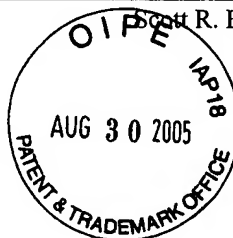


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/711,969	10/15/2004	Scott R. Breining	T103 1580.1

26158  
 WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
 P.O. BOX 7037  
 ATLANTA, GA 30357-0037



CONFIRMATION NO. 5968

## FORMALITIES LETTER



\*OC000000016430028\*

Date Mailed: 06/30/2005

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*  
*Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

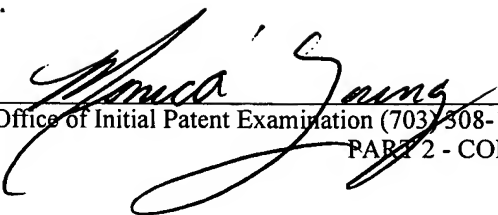
- \$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

09/01/2005 JBALINAN 00000065 090528 10711969

01 FC:1051 130.00 DA

*A copy of this notice **MUST** be returned with the reply.*

  
Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number : EL 983 775 187 US

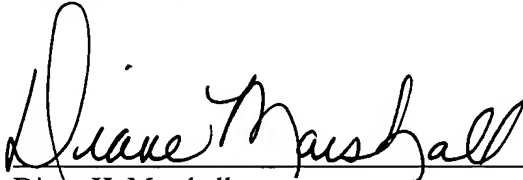
Date of Deposit : August 30, 2005

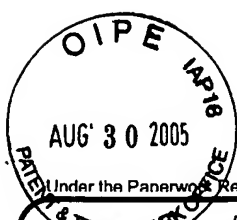
Type of Documents : Fee Transmittal (1 page, in duplicate);  
Reply to Notice to File Missing Parts (1 page);  
Part 2 Copy of Notice to File Missing Parts (2 pages);  
Declaration (4 pages);  
Certificate Under 37 CFR 3.73(b) (1 page);  
Copy of Inventor Assignments (6 pages);  
Power of Attorney from Assignee (1 page);  
Return Postcard

Serial No.: : 10/711,969

Filing Date : October 15, 2004

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and are addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313.

 (signature)  
Diane H. Marshall



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

### Complete if Known

Application Number 10/711,969  
Filing Date October 15, 2004  
First Named Inventor Breining  
Examiner Name Unassigned  
Art Unit 1614  
Attorney Docket No. T103 1580.1

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 09-0528 Deposit Account Name: Womble Carlyle, et al.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

##### Fee Description

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$) Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

- 100 = / 50 = (round up to a whole number) x = 0

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Late Filing Declaration Surcharge

Fees Paid (\$)

130

#### SUBMITTED BY

Signature Registration No. 44,224 Telephone 336.721.3681  
Name (Print/Type) Carl B. Massey, Jr. Date Aug 30, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENTS  
EL 983 775 187 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Scott R. Breining	:	Examiner:	To be assigned
Serial No.:	10/711,969	:	Art Unit:	1614
Filed:	October 15, 2004	:	Docket No.:	T103 1580.1
For:	Pharmaceutical Compositions and Methods for Relieving Pain and Treating Central Nervous System Disorders	:		

Mail Stop: MISSING PARTS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

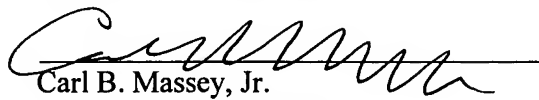
This communication is in reply to the Patent and Trademark Office Notice to File Missing Parts of NonProvisional Application mailed June 30, 2005. Applicants submit herewith the following documents: (1) Part 2 - Copy of Notice to File Missing Parts of Nonprovisional Application; (2) Declaration; (3) Certificate under 37 CFR 3.73(b); (4) Copies of Inventor Assignments; (5) Power of Attorney from Assignee; and (6) Fee Transmittal.

In the enclosed Fee Transmittal, the Commissioner is authorized to charge Deposit Account No. **09-0528** in the amount of \$130.00 to include the late oath or declaration surcharge. Although no additional fees are believed to be due, the Commissioner is also authorized to charge any additional fees that may be due in connection with this submission to the foregoing deposit account number.

It is believed that the foregoing provides a complete Reply to the *Notice to File Missing Parts of NonProvisional Application*. If any items are deemed insufficient in any respect, the Office is invited to contact Applicants' undersigned representative at the telephone number provided.

Respectfully submitted,

Date: Aug 30, 2005

  
Carl B. Massey, Jr.  
Registration No. 44,224

Docket: T103 1580.1  
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Atlanta, Georgia 30357-00378  
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